

PAGE 1

2. On February 21, 2019, Plaintiff filed suit against Defendants for trade secret misappropriation, breach of fiduciary duty, theft liability act, and exemplary damages in the 50th Judicial District Court of Travis County, Texas, styled as “*Mid-Atlantic Finance Co., Inc. v. Prime asset LLC d/b/a Texas Dealer Solutions, et al.*,” Case No. D-1-GN-19-000954 (the “lawsuit” or “suit”)

3. Prime Asset and ASP received notice of the lawsuit on or about February 22, 2019. Prime Asset and ASP file this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b)(1).

B. BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a). Plaintiff is a citizen of Clearwater, Florida. Plaintiff’s principal place of business is also located in Clearwater, Florida. Additionally, the amount in controversy exceeds \$75,000. Specifically, Plaintiff pled for monetary relief “over \$200,000 but not more than \$1,000,000.” *See* Plaintiff’s Petition, Exhibit 1, ¶ 1; 28 U.S.C. §§ 1332(a) and 1446(c).

5. All Defendants who have been properly joined and served join in or consent to the removal of this case to this federal court. 28 U.S.C. § 1446(b)(2)(A).

6. Copies of all pleadings, process, orders, and other filings in the state-court lawsuit are attached to this notice as required by 28 U.S.C. § 1446(a).

7. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit is pending is located in this district.

8. Defendant will promptly file a copy of this notice of removal with the clerk for the 50th Judicial District Court of Travis County where this suit has been pending.

C. JURY DEMAND

9. Plaintiff did not demand a jury in the state-court suit. Prime Asset and ASP now make a demand for a jury.

D. CONCLUSION

10. For these reasons, Prime Asset and ASP, with consent from the remaining Defendants, asks the Court to remove this suit to the U.S. District Court for the Western District of Texas, Austin Division.

WHEREFORE, PREMISES CONSIDERED, Defendants **PRIME ASSET LLC AND ASP FINANCE, LLC** respectfully request the civil action currently pending in the 250th Judicial District Court of Travis County, Texas as Cause Number D-1-GN-19-000954 be removed to this Court, and for such other and further relief, both general and special, at law and in equity, to which Defendants may show themselves justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.

A handwritten signature in black ink, appearing to read "Bret Sanders", is written over a horizontal line.

BRET A. SANDERS
State Bar No. 24033152
5301 Southwest Parkway
Suite 460
Austin, TX 78735
512-428-4672
512-479-8402 [Fax]
bsanders@feesmith.com

ATTORNEYS FOR DEFENDANTS
PRIME ASSET, LLC AND ASP FINANCE, LLC

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 6th day of March, 2019 as follows:

Joshua J. White
Haley & Olson, P.C.
100 N. Ritchie Road, Suite 200
Waco, Texas 76712



BRET A. SANDERS